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Immigration and Naturalization Service

TESTIMONY OF

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COMMISSIONER

IMMIGRATION AND NATURALIZATION SERVICE

before

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INS REFORM: THE ENFORCEMENT SIDE

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226 SENATE DIRKSEN OFFICE BUILDING

Mr. Chairman and Members of the Committee:

Last month I appeared before the Committee to discuss the service side of the Immigration and Naturalization Service (INS). I am equally pleased to have the opportunity today to discuss our efforts to enforce the nation's immigration laws -- the nature of this mission, our strategy for carrying out these responsibilities, the success we have achieved to date, and the changes we need to make to meet future challenges.

The Enforcement Challenge

INS' primary enforcement functions are to prevent people from entering the country illegally and to find and remove those who are living and working here illegally. This mission has always been far-reaching and complex. However, in recent years, as a result of sweeping social, economic, and political changes at home and abroad, the challenges the agency faces in enforcing the nation's immigration laws have grown in scope and nature -- even since I began my tenure as Commissioner.

The pressures on our borders have never been greater. The global economy is increasing the flow of people and products into the country. Accelerated by advances in transportation and communications, by trade agreements, and by our nation's enviable position as the world's preeminent economic power, this flow makes it more challenging for us to deter illegal immigration while facilitating legal traffic.

The end of the Cold War and the collapse of communism in Eastern Europe and the former Soviet Union have created new sources of immigration. Whether they come from these regions or other parts of the globe, many immigrants entering the country illegally are no longer doing so on their own or as part of a small, makeshift group; they are being smuggled in by sophisticated networks linked to other international organized crime such as drug trafficking and terrorism.

Sweeping new mandates such as IIRIRA have also resulted in complex changes to prior ways of dealing with illegal immigration.

Goals of Enforcement

To meet our responsibilities to the nation, we need to address our enforcement challenges comprehensively. This requires both sufficient manpower and equipment and a coherent, comprehensive strategy that establishes priorities and ensures resources are deployed in the most efficient and effective manner possible. Unfortunately, INS never had either adequate resources or a comprehensive plan for enforcing the nation's immigration laws, not even before recent developments made our mission more daunting.

Since 1993, the Clinton Administration, with the strong support of Congress, has been committed to reversing decades of neglect. Over the past six years, this commitment has been backed by unprecedented increases in personnel, equipment, and advanced technology. Between 1993 and the current fiscal year, annual spending on enforcement activities increased by 180 percent, rising from \$933 million to \$2.6 billion. That is four times the rate of increase in spending on services.

At the same time, we formulated and implemented an aggressive, pro-active enforcement strategy. This strategy is built on several principles, namely integration, cooperation, consistency, professionalism, and accountability.

Integration

INS has a number of enforcement disciplines -- Border Patrol, Inspections, Investigations, Intelligence, and Detention and Deportation -- whose work is supported by our trial attorneys. Most illegal activities, however, do not respect the artificial boundaries that had been created within our enforcement program. The increasingly sophisticated nature of these activities makes the need for better coordination more pressing. Our strategy recognizes that enforcement cannot be enhanced without moving toward integrating the various enforcement disciplines.

Cooperation

Even if our enforcement functions were thoroughly integrated; it would not be sufficient to meet the complex challenges we face. Internal coordination has to be coupled with external cooperation. That is why working in closer cooperation with other federal agencies, as well as state and local law enforcement, is a key goal of our enforcement effort.

At the border, we cannot succeed without a coordinated strategy. The Border Patrol works with the DEA and U.S. Customs Service to address drug smuggling. All of our enforcement personnel need to have effective working relationships with other Department of Justice counterparts -- including the FBI, the U.S. Marshal Service, the Bureau of Prisons, and the U.S. Attorneys Office.

At the ports of entry, our inspectors need to work closer with their colleagues from Customs to thwart illegal immigration and contraband and to facilitate the legal flow of people and commerce. Our enforcement personnel must also play lead roles in multi-agency task forces established to combat alien smuggling, terrorism and other organized crimes.

Illegal activities do not stop at the borders and neither should our cooperative enforcement efforts. Restoring control to the Southwest border, for example, requires an excellent working relationship with Mexican officials. But it is not just in Mexico that we need to forge closer ties with our foreign counterparts. We have to do it worldwide.

Consistency

No enforcement strategy can be effective if it is not implemented on consistent basis. Clear standards must be drafted, communicated effectively across field office, and evaluated to ensure consistent application. We have to go after alien smugglers operating in the Midwest with the same determination we show along the Southwest border. Criminals producing fraudulent documents in Los Angeles should face the same high risk of being caught and prosecuted as those working in Chicago.

Professionalism

Crucial to consistent enforcement is having highly professional personnel in all locales. To this end, INS has made a major commitment to improve training for all enforcement officers, as well as to supplying the necessary resources. Proper training is more than giving instruction in the latest law enforcement techniques and providing an understanding of the roles all members of the enforcement team are expected to play. It also means ensuring that your personnel are caring, compassionate people who treat everyone they encounter with the respect they deserve. At the end of our enforcement arm, there needs to be a helping hand.

Accountability

Professionalism also requires accountability. Mechanisms must be established to guarantee that the skills and tools provided are applied properly, in terms of both efficiency and compliance with the law.

In addition to being held answerable for how they carry out their duties, everyone on our

enforcement team, from the top of the agency on down, must be accountable for performance results. After all, the only way to measure the success of a strategy is by the results it produces. We, as well as Congress and the American people, need to know whether the considerable investment being made to enhance enforcement is paying sufficient dividends. This means setting performance goals and making sure they are met.

Achieving Results

By almost any measure, there is no question that our efforts to enhance enforcement have accomplished a great deal. While we have accomplished more in the area of border control and management in the past five years than had been accomplished in decades, we have also made strides in the nation's interior and overseas.

The First Southwest Border Strategy

Nowhere else is the success of our strategic approach to enforcement more visible than along the Southwest border. Before 1993, there was no comprehensive plan for controlling this 2,000-mile frontier -- and it showed.

The number of personnel stationed there was insufficient, and the Border Patrol' agents and Inspectors we did have lacked proper vehicles, radios and other basic equipment. As a result, illegal immigrants came across the border undeterred, as did illicit drugs. At the same time, traffic entering the country legally encountered interminable delays at ports of entry.

In short, the border was in chaos.

To restore the rule of law, we developed the Southwest Border Strategy. Its goal is unambiguous: a border that works, one that deters illegal migration, drug trafficking, and alien smuggling while facilitating legal migration and commerce.

To meet this goal, we initiated unparalleled growth in personnel and resources. Between October 1 993 and July of this year, the number of the Border Patrol agents and Inspectors along the Southwest border has more than doubled.

We bolstered these numbers by providing our officers with the tools and infrastructure they need to do their jobs. Vehicle fleets and communication systems have been upgraded **and** expanded. Computers, once a rarity, are now considered basic equipment, as are infrared scopes. We also installed dozens of miles of fence and lighting and several high-tech systems.

Establishing a border that works also required us to change our approach to enforcement. Beginning with Operation Hold the Line in El Paso in 1993, and spreading to operations in Arizona, California, and Texas, we have been deploying Border Patrol agents in key crossing corridors. We also replaced the agency's reactive approach to illegal crossings with a pro-active posture by positioning Border Patrol agents directly on the border. Agents who once spent most of their time and energy chasing down illegal immigrants after they had crossed into the United States are now focused on deterrence.

We also changed our approach to port management along the Southwest border. Working with the Customs Service and other agencies, we developed a port management model that treats each port of entry as a single, seamless entity. As with our border control strategy, a critical element of the new port management plan has brought together business and community leaders. This was done through Port

Quality Improvement Councils, which meet on a regular basis to address port-wide issues.

Today, as a result of expanding personnel and resources and, most important, developing a coherent strategy for deploying them, the situation is as different as night and day.

Deterrence is working. For example, in our San Diego Sector, apprehensions reached a 17-year low of 283,889 in FY 1997. And there was one 24-hour period in Imperial Beach, once the favorite area for crossing, when not a single person was apprehended, an accomplishment that was unthinkable prior to Operation Gatekeeper.

Apprehension numbers aren't the only measure of the positive impact of enhanced border control. Border operations have contributed to falling crime rates in San Diego, El Paso, Brownsville, and elsewhere. As part of our Southwest Border Strategy, we are committed to enhancing the quality of life in all border communities.

We are also conducting a new, border-wide safety campaign that aims to warn migrants about the very real dangers associated with illegal crossings, especially when they are being led by ruthless smugglers who put profits before people. We have an obligation to not only educate people about the dangers but also to assist those who don't heed these warnings.

With brutal heat gripping the Southwest this summer, the importance of this public safety campaign, represents a prime example of a balanced and humane border enforcement effort, couldn't be clearer. Almost daily, I receive reports of Border Patrol agents who have rescued immigrants from life-threatening situations.

Living up to our commitment to make all border communities -- from Brownsville to Nogales to San Diego -- safer, more vital places to live requires more than just reducing the flow of illegal immigrants. We need to improve how the ports of entry -- the economic lifelines of these communities -- function. They depend on the smooth flow of legal immigrants and commerce.

As part of our port management strategy, we set a goal of a 20-minute average wait for commuters. At San Ysidro, one of the largest and busiest ports in the world, this may have seemed like an impossible dream given that commuters at the port waited for as long as two hours or more. The dream, however, has been realized. Today, the average wait is less than 20 minutes, at the same time that our enforcement capabilities have been enhanced.

For low-risk, frequent travelers, the improvement has been even more impressive. Using various advanced technologies, we have established a program for these commuters known as the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI). After a rigorous screening process before enrollment, SENTRI travelers are now able to cross the border in under three minutes. Based on our success in San Diego, we are now expanding SENTRI to Detroit and Buffalo, and we are developing plans to install the system in Nogales.

Interior Enforcement Strategy

The strategic approach to enforcement that has greatly enhance border control is also being applied to interior enforcement. The agency's first-ever Interior Enforcement Strategy, soon to be implemented, will provide the increased coordination and a proactive posture needed to improve our capabilities to enforce immigration law at worksites, disrupt smuggling rings, and remove criminal and other illegal aliens.

Reducing the Power of the Job Magnet

While strengthened border enforcement prevents significant numbers of illegal aliens from entering the country, worksite enforcement is the primary means of reducing the power of the jobs magnet to draw illegal aliens to the United States. By discouraging illegal workers from crossing the border into the United States and sanctioning employers who hire those who do get across, we send a clear message: American jobs belong to legal workers.

In FY 1997, about 38,000 illegal workers were removed from worksites across the country, and more than 27,000 unauthorized workers have been removed through the first nine months of this year. We don't want to lose these jobs. That is why the Service is working with Virginia officials to develop a program for sharing information from enforcement operations to promote the hiring of U.S. citizens and other legal workers. We are currently developing similar programs in California and Florida.

Too many employers are ready and willing to hire undocumented workers, often for substandard wages and under conditions that range from improper to inhumane. We need to intensify our worksite focus on business owners to ensure that swift, decisive action is taken against those who flout the nation's immigration laws. And we are this doing through criminal and administrative proceedings.

We have also just adopted a new worksite enforcement strategy that maximizes our limited investigatory resources by focusing them on industries with the greatest concentration of illegal workers and employers who engage in the most egregious violations of immigration laws.

Many employers who hire illegal workers do so unwittingly, fooled by high-quality counterfeit documents. To assist their efforts to determine whether a prospective employee truly is authorized to work in the United States, we have developed new, state-of-the-art Employment Authorization Documents and Green Cards. These high-tech cards are the most sophisticated documents we have ever produced, and they are virtually counterfeit proof.

The fight against fraudulent documents has also been aided by the expansion of our Forensic Document Laboratory, the best facility of its kind in the world. We are also currently testing various employment verification systems in several historically problematic industries, like meat-packing in Iowa and Nebraska.

Stopping Smugglers

Illegal aliens are often brought to worksites by smugglers, who use extortion, torture, rape, and even murder to collect exorbitant fees, which run as high as \$40,000 per alien. Because they are part of international organized crime groups, smugglers are well financed and well-equipped. Detecting and dismantling these operations requires a web of enforcement that reaches from the border, and beyond, to the worksite.

Working in close coordination with the FBI, U.S. Coast Guard, and other agencies, we scored some major victories in the fight against those who traffic in human lives. In March, the principal organizer of the notorious alien-smuggling ship *Golden Venture*, which ran aground in New York five years ago with 282 victims on board, was convicted in federal court. Two months earlier, three men from the People's Republic of China were sentenced in Boston to lengthy prison terms for attempting to smuggle 109 aliens into the United States aboard the ship *Xing Da*.

Anti-smuggling efforts aren't limited to deterring illegal aliens at the border and removing those who elude us from worksites. We also have to target the transportation systems and networks of safe houses that are used to move aliens through the nation's interior. To accomplish this, we have forged

closer ties with state and local law enforcement.

Expanding Detention and Removals

For years, illegal immigrants faced little risk of being caught, and, if they were apprehended, chances that they would be removed were also limited. This was even true for aliens who committed crimes while in the United States.

The situation today is vastly different. That is not only because we have dedicated more resources to detention and removals -- the bulk of which goes to processing criminal aliens -- but also because we ensured these programs are fully coordinated internally and with enforcement activities. This turnaround has also been aided by our expanded cooperation with other law enforcement agencies, including programs to conduct removal hearings in federal and state prisons and to identify criminal aliens at local jails.

Removing individuals who are here unlawfully underscores our commitment to restoring credibility to the nation's immigration laws. And, by deporting an increasing number of aliens who have been convicted of assault, robbery, drug trafficking or other criminal charges, we are making the streets of our communities safer. During the first eight months of FY 1998, we removed criminal aliens at a rate of more than 1,000 per week, putting us on track to remove more criminal aliens this year than total aliens removed in 1995.

In addition to formal removals, more than 36,000 voluntary removals were conducted in the first six months of FY 1998. These cases involve deportable aliens who, after being apprehended by the INS in the interior of the country, agree to return to their home country without going through formal proceedings. This saves us both time and money.

We wouldn't have been able to increase the number of removals if we didn't expand our capacity to detain and deport illegal aliens -- criminal and non-criminal alike. By working closely with other law enforcement agencies, we were able to add more than 1,200 detention spaces in the first half of FY 1998. At the end of May, the average daily number of aliens in detention was 16,000, more than 90% higher than in FY 1995.

In expanding our detention capacity, we have paid particular attention to the needs of juveniles. Over the past two-and-a-half years, we have added 400 beds for juveniles. We also adopted a policy that requires all minors to be housed in state-licensed facilities that meet strict requirements to provide for their medical, educational and recreational needs.

Early identification and detection of criminal aliens is facilitated by the Law Enforcement Support Center (LESC). This agency resource provides state and local law enforcement officials with 24-hour access to the information they need to determine the INS status of foreign-born suspects they have arrested. And the LESC staff passes arrest information on to our field offices.

Our efforts to conduct removals in the most expeditious and cost-effective manner are aided by the Justice Prisoner and Alien Transport Service -- the use of which has increased by 500% over the past four years. JPATS flights allow us to return criminal and other illegal aliens to their home country more rapidly and using fewer personnel than via commercial airlines. Removals are also expedited by our expanded presence overseas.

A First Line of Defense Overseas

The contribution of INS' 39 overseas offices to the agency's enforcement efforts is far greater

than just assisting with the removal of criminal aliens. These offices, one-third of which opened since last October, serve as the nation's first line of defense against alien smuggling and illegal transit.

Through Operation Global Reach, we are building a comprehensive enforcement network to stop these activities in transit and at their source. A critical element of Global Reach is strengthening both cooperation with our host-nation partners and their capacity to detect and deter illegal activity. Just since October, we have trained more than 5,700 foreign law enforcement, immigration, and airline officials in fraudulent document identification and anti-smuggling techniques.

The accomplishments of Operation Global Reach are striking. So far this fiscal year, our overseas offices have intercepted nearly 6,500 migrants and assisted 66 prosecutions in the United States. By halting illegal immigrants before they reach the United States, our international operations allow us to avoid the cost of administrative and criminal proceedings, detention, and removal. Savings in the first six months of this fiscal year alone have totaled \$6.5 million.

Thwarting Terrorism

Our overseas offices also play an important role in the agency's efforts to combat terrorism. We once addressed terrorism in an ad-hoc manner, forging partnerships with other members of the law enforcement and intelligence communities on an as-needed basis. The bombing of the World Trade Center was tragic proof that this approach was ineffective.

Today, INS has a full-time counterterrorism team, known as the National Security Unit. Special Agents assigned to the Unit work closely with both the FBI's Joint Terrorism Task Force and the CIA's Counterterrorism Center. By establishing a specialized unit and forging permanent partnerships with the FBI, CIA, and other agencies, we can exercise more effectively the anti-terrorism authorities given to us by Congress in recent years.

Fighting against terrorism is closely linked to our anti-smuggling efforts because international terrorist organizations are known to use alien smuggling operations to support and further their criminal objectives. We have also found that criminal and administrative prosecutions for immigration violations are highly effective tolls to penetrate and disrupt these organizations. Last August, for example, two brothers believed to be members of a terrorist group were arrested by INS agents for allegedly engaging in marriage fraud to obtain Green Cards.

Greater Professionalism

Our success at home and abroad would not have been possible if our enforcement officers weren't well-trained professionals. Border Patrol agents, for example, don't set foot in the field until they have completed a basic training course that is among the most thorough and rigorous in federal law enforcement. The Service is deeply committed to providing all personnel with the best training possible - not just basic training, but advanced courses as well. We want to ensure that before someone is assigned to a post they possess all the skills necessary to carry out their job and that their skills remain well honed.

As I mentioned earlier, there is more to professionalizing your work force than simply providing, proper training and tools. No amount of resources will guarantee effective performance unless you take steps to ensure that they are being used efficiently and in compliance with the law. For us, this meant expanding and strengthening our Office of Internal Audit (OIA).

Within OIA, we have established the INSpect program to identify and solve problems before they become crises. Under this program, every INS office will be subject to a top-bottom review by a team drawn from the Service's best and brightest. These reviews allow us to identify not only problems but

also good local practices that should be implemented throughout the agency.

We have also moved to enhance the protection of the civil rights of individuals who come in contact with law enforcement officers. Working with the Citizen's Advisory Panel, appointed by the Attorney General, we have made our complaint procedures more accessible and effective. We have developed a standard complaint form, ensured that posters that describe how to report abuses are displayed in the public areas of all field offices, and established a toll-free hotline.

It is clear that these are critically important functions. I hope I can count on your support to not only keep OIA functioning in FY 1999, but also to expand its operations.

Meeting Future Challenges

The progress INS has made in enforcing the nation's immigration laws demonstrates that, when we are given the resources and develop focused strategies, we can attain dramatic results. However, there is a barrier to achieving even greater success that no amount of resources or strategic planning can surmount -- INS' current structure.

This out-dated structure impedes performance by hampering accountability and professionalism and by creating confusion about roles and responsibilities. That is why we have proposed a fundamental restructuring that divides the primary functions of the agency -- Enforcement and Services -- into distinct, separate chains of command, each with a single point of accountability for performance.

As hard as we have tried to build a seamless web of enforcement, the agency's current structure prevents us from weaving a web that is strong enough to fight increasingly sophisticated and well-financed crime syndicates.

We want to establish enforcement areas that bring Border Patrol, inspections, investigations, detention and intelligence under a single enforcement director. Currently, the various enforcement components do not answer to the same person until you reach the top levels of the agency. This is too high in the chain of command for effective coordination of the day-to-day operations of these components. It also creates problems in establishing clear-cut accountability.

Within each enforcement area, the area director would be given the flexibility to allocate resources wherever they are most needed. This will sharpen the focus of our enforcement operations and allow us to respond rapidly to changes in the patterns of criminal activities. Enforcement directors will also have the ability to enhance coordination with other law enforcement agencies, which will bolster our continued efforts to implement a comprehensive border-control strategy with other federal agencies.

Our ability to pursue illegal activities that cross geographic boundaries will be strengthened as well because all area directors will report directly to the executive associate commissioner for enforcement operations. Unhampered by layers of bureaucracy, the EAC will be able to directly coordinate all activities and guarantee consistency in our enforcement practices nationwide.

For example, when Border Patrol agents now catch a "coyote" leading illegal aliens across the border, the case all too often ends simply with his deportation or incarceration-- a minor inconvenience for a well-organized smuggling operation. By restructuring our enforcement operations, however, we will be better equipped to follow the tracks of the coyote to both ends of the smuggling operation -- the organizers and the employers who benefit from it -- and bring down the full force of the law on all those involved. As a result, smuggling rings would be dismantled permanently, not merely disabled

temporarily.

We need to be able to develop more cases like the successful investigation of Atlantic Finishing, a Georgia-based apparel manufacturer. This two-year probe conducted by the Border Patrol office in Las Cruces, New Mexico, in collaboration with INS' Atlanta office, culminated in April when the company president and 10 other defendants pleaded guilty to involvement in an interstate smuggling ring. It was the first-ever case of its kind.

Criminal and illegal aliens caught in our tighter, stronger enforcement web will be removed more efficiently, more expeditiously, and more economically. This is because restructuring will improve the logistics of detention and removals. The thirty-some offices currently involved in coordinating transportation and detention space for apprehended aliens will be replaced by a consolidated group of new Detention and Enforcement Support offices.

Port management also will be strengthened under our proposal. Because ports of entry play an increasingly important role in stopping illegal activities, they will be placed clearly in the enforcement chain of command with fewer layers through which they need to report. This will allow better coordination between ports, as well as with other INS enforcement officers, enhancing their ability to deter terrorists and other criminals and to detect fraudulent document and smuggling operations.

In addition, restructuring will enhance professionalism. New career opportunities will be created. Paths for advancement will be better defined. And we will be able to provide comparable pay and benefits for comparable work. With these improvements, we can recruit the highest caliber people available and, more important, retain our best enforcement officers.

Finally, our proposal will preserve the vital synergy between enforcement and services. These two functions are inter-connected and interdependent and need to be kept under the same roof. This is something other restructuring plans fail to do, creating a fatal flaw in those proposals. The detection and investigation of document fraud, for example, involve both sides of the agency and require careful coordination between them.

This synergy is facilitated through shared records and common processes. The new structure will strengthen these bonds by establishing a new system of shared support that will serve as the administrative and technological backbone for both enforcement and services. The new shared support operation builds on the sophisticated, integrated technology that INS has developed and installed in the last several years, thus maximizing the return on the considerable investment Congress and the public have made to upgrade the agency's shared technologies and to improve our records management.

I hope we will earn your support for enhancing our enforcement of the nation's immigration laws and building on our successful efforts to date. Thank you.